

Message Text

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ACTION EUR-12

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O R 311725Z AUG 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 1503
INFO AMEMBASSY BERLIN
AMEMBASSY BRUSSELS
AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY MOSCOW
USMISSION USBERLIN
USMISSION USNATO

C O N F I D E N T I A L SECTION 01 OF 04 BONN 15928

USEEC

E.O. 11652: XGDS-L
TAGS: PGOV, BQG, EEC
SUBJECT: METHOD OF REPORTING TO EUROPEAN
PARLIAMENT NAMES OF BERLIN MEMBERS OF FRG
DELEGATION

REFS: (A) STATE 219475
(B) BONN 1557L

SUMMARY. AT THE AUGUST 29 BONN GROUP MEETING, THE FRG
INFORMED US THAT THE PROPOSAL THAT THE BERLIN DEPUTIES
BE QUOTE FOOTNOTED UNQUOTE IN A LIST OF EP DEPUTIES (REF B) WAS UN-
ACCEPTABLE AND THE QUESTION WAS DISCUSSED WHETHER SOME
OTHER SOLUTION MIGHT BE FOUND. WE CONTINUE TO BELIEVE
THAT THE DEPUTIES SHOULD BE SHOWN, BY NAME, AS BEING
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FROM BERLIN AND THAT THIS SHOULD BE DONE IN AN OFFICIAL
DOCUMENT. HOWEVER, WE DO NOT REGARD THE FOOTNOTE SUG-
GESTION AS THE ONLY MEANS OF DOING THIS. ACTION
REQUESTED: DEPARTMENT'S GUIDANCE. END SUMMARY.

1. AT THE AUGUST 29 BONN GROUP MEETING, THE FRENCH
(WITHOUT PRIOR NOTICE) RAISED THE QUESTION OF THE

METHOD OF REPORTING THE RESULTS OF THE ELECTIONS TO THE EUROPEAN PARLIAMENT (EP) TO THE EP. THE FRENCH REP (RICHARD) SAID THAT THE QUAI HAD SENT INSTRUCTIONS WHICH HAD ARRIVED JUST BEFORE THE MEETING. THE QUAI NOTED THAT THE ALLIES HAVE PLACED LIMITS ONLY ON THE WAY THE DEPUTIES ARE CHOSEN, NOT ON THE DEPUTIES' VOTING RIGHTS, BUT IF THERE ARE CHANGES IN THE COMPETENCE OF THE EP, THE QUESTION WILL BE RAISED WHETHER FURTHER LIMITATIONS ARE NECESSARY. HOWEVER, THE QUAI DOES NOT WANT TO RAISE THAT POINT NOW.

2. REGARDING THE FOOTNOTE SOLUTION (REF B), HE SAID THAT THE QUAI DOES NOT AGREE THAT THE ALLIED RESPONSIBILITIES STOP WHEN THE FRG MEMBERS BECOME PART OF THE FRG DELEGATION. THERE SHOULD BE SOME DISTINCTION AMONG THE DEPUTIES IN THE LIST SUBMITTED TO THE EP. THE QUAI'S VIEW IS THAT THE PROPOSAL FOR AN INTRODUCTION GIVEN BY BUNDESTAG PRESIDENT CARSTENS WOULD BLUR THE DISTINCTION BETWEEN THE FRG AND THE BERLIN DEPUTIES. THE FRENCH HAD CONSIDERED THAT ONE POSSIBILITY WOULD BE FOR THE FOOTNOTE TO REFER TO THE BK/O, BUT THIS WOULD BE A REFERENCE TO AN ALLIED LAW. PERHAPS A BETTER SOLUTION WOULD BE A REFERENCE TO THE BERLIN DECLARATION OF THE FRG.

3. THE UK REP (EYERS) SAID THAT HE HAD NO FORMAL
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INSTRUCTIONS BUT THAT WHAT HE HAD HEARD TELEPHONICALLY FROM LONDON WAS NOT DISSIMILAR FROM WHAT THE QUAI'S VIEWS WERE. THE US REP SAID THAT HE HAD REPORTED BUT HAD NO INSTRUCTIONS. THEREFORE, ANYTHING HE HAD TO SAY WOULD BE ON A PERSONAL BASIS.

4. THE FRG REP (VON BRAUNMUEHL) AGREED THAT WHEN THE COMPETENCE OF THE EP IS WIDENED, IT WILL BE NECESSARY TO RETHINK THE QUESTION OF THE POWERS OF THE DEPUTIES SELECTED FROM BERLIN. HOWEVER, THIS WILL NOT ARISE FOR SOME TIME SINCE THE TWO ALLIED COUNTRIES REPRESENTED IN THE EP OPPOSE ANY WIDENING OF THE EP'S COMPETENCE. HE SAID THAT THE FRG HAD TAKEN THE ALLIED VIEWS, EXPRESSED IN THE BONN GROUP, INTO ACCOUNT AND THAT THE SUGGESTED CARSTENS INTRODUCTORY STATEMENT WAS AN ATTEMPT TO MEET THE ALLIED REQUEST. THE FOOTNOTE IDEA WAS ABSOLUTELY UNACCEPTABLE.

5. FOR THE DEPARTMENT'S CONVENIENCE, THERE FOLLOWS AN INFORMAL TRANSLATION OF THE STATEMENT THE FRG PROPOSED THAT CARSTENS MIGHT GIVE. THIS WAS POUCHED TO THE DEPARTMENT ON AUGUST 16:

"TO THE PRESIDENT OF THE EUROPEAN PARLIAMENT:

THERE ARE ENCLOSED THE NAMES OF THE 81 DEPUTIES

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FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 1504

INFO AMEMBASSY BERLIN

AMEMBASSY BRUSSELS

AMEMBASSY LONDON

AMEMBASSY PARIS

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USMISSION USBERLIN

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C O N F I D E N T I A L SECTION 02 OF 04 BONN 15928

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FOR THE EUROPEAN PARLIAMENT WHO WERE ELECTED ON (DATE)
IN ACCORDANCE WITH THE DECISION OF THE COUNCIL OF THE
EUROPEAN COMMUNITIES FOR THE INTRODUCTION OF GENERAL
DIRECT ELECTIONS IN THE MEMBER COUNTRIES OF THE
EUROPEAN PARLIAMENT ON THE BASIS OF ARTICLES 1 AND 29
OF THE LAW REGARDING THE ELECTION OF DEPUTIES OF THE
EUROPEAN PARLIAMENT FROM THE FEDERAL REPUBLIC OF
GERMANY."

6. THE US REP SAID HE COULD SEE THE FOLLOWING
PROBLEMS WITH THE TEXT PROPOSED:

A) THERE IS NO GUARANTEE IT WILL BE USED.

B) IF USED, THERE IS NO GUARANTEE IT WILL BE

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WRITTEN OR WILL BE INCLUDED IN THE OFFICIAL DOCUMENTS
OF THE EP.

C) THE NAMES OF THE DEPUTIES FROM BERLIN ARE
NOT MENTIONED.

D) THERE IS NO MENTION OF BERLIN BY NAME IN THE
TEXT OF THE STATEMENT.

E) THERE IS NO DIRECT REFERENCE TO THE INDIRECT
SELECTION PROCEDURE.

7. HE SAID THAT HE THOUGHT THE FOOTNOTE IDEA WAS A
GOOD WAY OF DEALING WITH THE PROBLEM. THE ISSUE OF
HOW THE RESULTS OF THE ELECTIONS ARE REPORTED DOES NOT
SEEM TO BE SO MUCH A LEGAL PROBLEM AS A POLITICAL ONE
AND THE EP QUESTION IS POLITICALLY HIGHLY SENSITIVE, AS
REFLECTED BY THE DISCUSSION BY THE POLITICAL DIRECTORS
AT THE QUAD MEETING. BECAUSE OF THE HIGH DEGREE OF
SENSITIVITY, EVEN MINOR MATTERS CONCERNING BERLIN AND
THE EUROPEAN PARLIAMENT SHOULD BE TREATED WITH PARTIC-
ULAR CARE. HE RECALLED THE CONSENSUS OF THE ALLIED
POLITICAL DIRECTORS AT THE QUAD MEETING THAT THE DIS-
TINCTIONS BETWEEN THE BERLIN DEPUTIES AND THE FRG
DEPUTIES SHOULD NOT BE BLURRED.

8. VON BRAUNMUEHL ANSWERED THAT THE FRG VIEW WAS THAT
THESE DISTINCTIONS CEASED WHEN THE ELECTION PROCESS WAS
COMPLETED AND REPEATED THE ARGUMENT ABOUT THE BERLIN
DEPUTIES BEING SECOND-CLASS DEPUTIES. EYERS REJOINED
THAT REPORTING THE ELECTION RESULTS WAS PART OF THE
ELECTION PROCESS AND WAS PROVIDED FOR IN THE FRG EP
ELECTION LAW. THE US REP SAID HE DID NOT UNDERSTAND
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THE ALLIED VIEW TO LIMIT ITSELF TO THE ELECTION PROCESS
ITSELF. VON BRAUNMUEHL DISAGREED WITH THESE VIEWS.

9. MEICHSNER (BERLIN REPRESENTATION) SAID HE WISHED
TO ADD TWO CONCERNS ON BEHALF OF THE BERLINERS. FIRST,
THEY HAD WANTED TO HAVE FULL PARTICIPATION IN THE
DIRECT ELECTIONS TO THE EP AND FELT THEY HAD GIVEN UP
A LOT WHEN INDIRECT ELECTIONS HAD BEEN DECREED ON THE
MODEL OF THE BUNDESTAG DEPUTIES FROM BERLIN. SECOND, THE

DEPUTIES FROM BERLIN WOULD ALWAYS BE THE "BERLIN DEPUTIES," A SPECIAL CLASS, IF SOME DISTINCTION WERE MADE. EYERS SAID THAT THE ALLIES MIGHT HAVE FEWER PROBLEMS IF THE DEPUTIES WERE NOT, AS THEY ARE, DESCRIBED AS BEING "FROM" THE FRG.

10. VON BRAUNMUEHL ASKED WHETHER WE THOUGHT THIS PROPOSAL WOULD REDUCE THE SOVIET UNHAPPINESS ABOUT BERLIN'S PARTICIPATION IN THE EP AND WHETHER THESE DETAILS WERE SO IMPORTANT. EYERS SAID THE ATTENTION TO DETAIL CAN BE JUSTIFIED BY TWO WORDS: CYNICISM AND SIGNALS. EYERS SAID THAT IT IS IMPORTANT THAT WE MAINTAIN A CONSISTENT LINE CONCERNING THE BERLIN DEPUTIES. WE HAVE TOLD THE SOVIETS THAT THE DEPUTIES ARE TO BE SELECTED BY A SPECIAL PROCEDURE; THEY ARE NOT DIRECTLY-ELECTED. HE SAID THE SOVIETS NO DOUBT REVIEW OUR ONGOING ACTIONS TO SEE WHETHER WE ACT CONSISTENTLY WITH OUR DECLARATIONS. IF WE DO NOT, THEY WILL VIEW US AS CYNICAL AND WILL READ SIGNALS INTO OUR ACTIONS. IN ADDITION TO THIS, WE HAVE A BETTER CONSCIENCE WHEN WE TAKE CARE TO BE CONSISTENT AND THEREFORE DO A BETTER JOB OF DEFENDING BERLIN'S INTERESTS.

11. THE US REP SAID THAT THE SOVIETS ARE UNHAPPY AND WILL CONTINUE TO BE SO; THAT WE ALL ADMIT. HOWEVER,

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CONSISTENT WITH VON BRAUNMUEHL'S COMMENT MADE EARLIER IN THE MEETING THAT IT SEEMED TO HIM THAT THE RECENT PROTEST MADE IN MOSCOW WAS RELATIVELY LOW-KEY, THE MORE WE DID TO PREVENT ADDED IRRITANTS FROM ARISING IN THE BERLIN/EP CONTEXT, THE MORE WE DEPRIVE THE SOVIETS OF AN OPPORTUNITY TO COMPLAIN AND THE LESS AGITATED THEY WILL PROBABLY BECOME.

12. VON BRAUNMUEHL SAID THAT THE DIFFICULTY FOR THE FRG IS THAT IT CANNOT ORDER CARSTENS TO DO ANYTHING IN A CERTAIN WAY; THE LAW DOES NOT PROVIDE FOR IT. AT MOST, IT CAN SEEK TO PERSUADE HIM. HE SAID THAT THERE ARE APPARENTLY TWO QUESTIONS ON WHICH AGREEMENT MUST BE REACHED:

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A) HOW THE ALLIES APPROACH THE FRG AND HOW THE FRG APPROACHES CARSTENS. THE ALLIES COULD EITHER MAKE A FORMAL REQUEST, WHICH THE FRG COULD CONVEY TO CARSTENS, OR THEY COULD MAKE AN INFORMAL REQUEST, WHICH WOULD LEAVE THE FRG MORE FLEXIBILITY IN THE WAY IT APPROACHED CARSTENS.

B) HOW A DIFFERENTIATION IS MADE IN THE WAY THE LIST OF DEPUTIES IS CONVEYED TO THE EP. SPECIFICALLY, THE QUESTION IS WHETHER THERE SHOULD BE MERELY A REFERENCE TO THE SPECIAL ELECTION PROCEDURE OR WHETHER THE INDIVIDUALS SHOULD BE REFERRED TO.

13. THE BONN GROUP AGREED TO RETURN TO THE SUBJECT AT THE NEXT MEETING, WHEN THE US AND UK REPS SHOULD HAVE FORMAL INSTRUCTIONS.

14. COMMENT: OUR VIEW IS THAT THE FOLLOWING ARE THE NECESSARY ELEMENTS IN REPORTING THE RESULTS OF THE ELEC-

TIONS TO THE EP:

A) THAT THE REPORT BE A FORMAL WRITTEN DOCUMENT,
WHICH WILL APPEAR IN THE EP RECORDS.

B) THAT THE DOCUMENT NOTE THAT THREE DEPUTIES
ARE FROM BERLIN AND ARE ELECTED IN ACCORDANCE WITH THE
PROCEDURE WHICH OBTAINS THERE.

C) THAT THE DOCUMENT GIVE THE NAMES OF THE
BERLINERS.

15. SO LONG AS THESE REQUIREMENTS ARE FULFILLED, IT
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SEEMS TO US THAT IT IS IMMATERIAL WHETHER THE FOOTNOTE
SOLUTION BE USED (WHICH THE FRG REGARDS AS UNACCEPTABLE),
WHETHER THE INFORMATION BE CONTAINED IN AN INTRODUCTORY
PARAGRAPH OR WHETHER SOME OTHER FORM BE USED. THE
DEPARTMENT IS AWARE OF THE FRG'S PARTICULAR SENSITIVITY
TO LISTS OF PEOPLE (E.G. REPRESENTATIVES AT INTERNATIONAL
MEETINGS) WHICH SHOW THE BERLINERS AS A DISTINCT GROUP.
IN THE LIGHT OF THIS, WE SEE NO REASON TO PRESS FOR THAT
PARTICULAR SOLUTION WHEN ALTERNATE FORMS COULD SERVE THE
SAME PURPOSE.

16. WE RECOMMEND, IN THE LIGHT OF THE FRG OBJECTIONS
TO THE FOOTNOTE IDEA, THAT WE RETAIN THE FOUR TALKING
POINTS IN REF B BUT ADD THE FOLLOWING AS A FIFTH
TALKING POINT: "IN VIEW OF THE EXPRESSED OBJECTIONS
TO THE FOOTNOTE IDEA, ANY OTHER SOLUTION WHICH WILL

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SERVE THE SAME PURPOSE IS ACCEPTABLE. WE BELIEVE THAT
THE ESSENTIAL REQUIREMENTS OF SUCH A SOLUTION ARE (HERE
INSERT (A), (B) AND (C) FROM PARAGRAPH 14 SUPRA)."

17. WITH REGARD TO THE FRG QUESTION IN PARAGRAPH 12 (A)
SUPRA, WE HAVE NO RECOMMENDATION AS TO WHETHER WE SHOULD
MAKE A FORMAL OR INFORMAL REQUEST OF THE FRG. OUR IM-
MEDIATE PREFERENCE WOULD BE TO LEAVE THE REQUEST AS AN
INFORMAL ONE, IN ORDER TO SEE WHAT THE FRG CAN ACHIEVE
WITH CARSTENS. THIS WOULD LEAVE THE FRG A GREATER
DEGREE OF FLEXIBILITY AND ALLOW IT TO ADD ITS OWN
SUPPORT TO OUR REQUEST RATHER THAN MERELY CARRYING A
MESSAGE FROM THE ALLIES TO CARSTENS. WE RECOMMEND THAT
WE BE INSTRUCTED TO SAY THAT WHILE THE MATTER IS IMPOR-
TANT ENOUGH FOR US TO MAKE A FORMAL REQUEST, IF NECES-
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SARY, WE WOULD PREFER (CONSISTENT WITH THE FRG/ALLIED
CONSENSUS PRINCIPLE WHICH HAS THUS FAR WORKED SO WELL
CONCERNING THE EUROPEAN PARLIAMENT AND BERLIN) TO MAKE
THE REQUEST AN INFORMAL ONE WHICH WE BELIEVE IS IN OUR
MUTUAL INTEREST.

18. ACTION REQUESTED. DEPARTMENT'S GUIDANCE. MEEHAN

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